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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MOSER, PATTERSON & SHERIDAN LLP 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			EXAMINER MOONEYHAM, JANICE A	
			ART UNIT 3629	PAPER NUMBER

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,697

Applicant(s)

LOWRANCE ET AL.

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-20 and 22-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-20, 22-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on August 8, 2005 and September 1, 2005, wherein:

Claims 1, 3-20, 22-40 are currently pending;

Claims 1, 3, 5-6, 14, 20, 22-25, 31, 33, 39, and 40 have been amended;

Claims 2 and 21 have been cancelled.

Specification

The applicant has amended the abstract. Therefore, the objection to the abstract has been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20 and 22-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has amended the claims to include *enabling a user to search*. This is not a positive recitation of a step. Enabling one to search does not mean that a search is performed. Claims 22-38 depend on claim 20.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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3. Claims 20, 22-38 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claim language is broad enough to encompass a person mentally forming a new argument having a conclusion and having a person mentally associate supporting evidence provided by a user. A claimed invention must produce a useful, concrete, and tangible result. "Concreteness" may be evidenced by, but not limited to, repeatability and/or implementation without undue experimentation. The mental process of a person are not repeatable. The steps would produce a different result depending on who the person performing the steps was. Therefore, the invention does not produce a concrete result.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 17-27, and 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Calver (US 2001/0032092) (hereinafter referred to as Calver).

Regarding Claim 1:

Calver discloses an analytical system for facilitating decision making given a situation by generating and accessing arguments (arguments are interpreted as being

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questions based on answers to previous questions) wherein each argument (question) has an associated conclusion as to whether a situation (product or service) will likely have a negative or positive result (information useful in determining whether service providers would (positive) or would not (negative) benefit the customer's business (page 7 [0082]), the analytical system comprising:

a database (Figure 2 (50) and page 11 [0127]) for storing a plurality of templates (Figure 4 (98), forms page 4 [0052], criteria Figure 14 (242)) that each include a plurality of questions which when answered to generate a particular argument (question based on answer) having an associated conclusion (solution/ recommendation) regarding a particular situation (product or service) that is based on answers to its associated template questions (Page 5 [0063] new questions based on previous answers); and

an server ((88) page 4 [0049-0051 and 0053], Figure 5)) comprising means for selecting one of the templates which is most relevant to a particular situation (process is generally driven by one or more questionnaires, each preferably followed by increasingly targeted information to match specific business interest (page 5 [0060]); means for receiving input to one or more of the selected template's questions and means for generating a new argument (question based on answer) having an associated conclusion (solution/recommendation) based on such answers (page 5 [0063] new questions based on previous answers), the associated conclusion indicating whether the situation will likely have a positive or negative result (page 7 [0084])informing the customer whether services are beneficial to his or her business

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(positive); (information useful in determining whether service providers would (positive) or would not (negative) benefit the customer's business (page 7 [0082])).

associating supporting evidence to each answered template question (pages 7-8 [0084]- the customer can be additionally presented with the option to link pages containing product information from the respective providers. Such information may include....).

The applicant is advised that Calver discloses a system with a database and a server. The intended use of the structure is generally given little patentable weight and thus does not distinguish the system from the prior art. An apparatus/system must be distinguished from the prior art in terms of structure rather than function alone (MPEP 2114). The database and server of Calver are fully capable of performing the functions as set forth in the claim language.

Regarding Claim 20 and 39

Calver discloses a method and medium containing program instructions (software module page 9 [0100]) for accessing or generating an argument (questions based on previous answers) having a conclusion (solution) for a particular situation (web-based solutions page 4 [0054], provides products and solutions), the method comprising:

searching a plurality of templates (Figure 4 (98) filling out of forms (page 4 [0052]) /lead generation (page 5 [0060]) pre-qualifying templates (page 5 [0061], Figure 14 (242) criteria) for a relevant template most related to a particular situation (Figure 12

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(214) industry/business/product information), wherein each template includes a plurality of questions (Figure 12 (216) general questions, page 5 [0060] questionnaires); and answering one or more questions of the relevant template to form a new argument (question based on answer) having a conclusion (solution (page 4 [0054]) and resulting information (page 7 [0084]) informing customer of services by various providers and whether such services are beneficial to his or her business) based on the one or more answers (page 5 [0062-0062] The Product Configurator dynamically presents the user with new questions based on previous answers); and associating supporting evidence to each answered template question (pages 7-8 [0084]- the customer can be additionally presented with the option to link pages containing product information from the respective providers. Such information may include....).

Regarding Claims 4 and 22:

Calver discloses a method and system further comprising associating a rationale to each answered template question (pages 7 [0074] industry specific information and resources).

Regarding Claims 3 and 23

Calver discloses a method and system wherein each template's questions are formed in a hierarchical structure, wherein a parent question that has a plurality of children questions may be automatically answered by answering the parent's children

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(The Product Configurator page 5 [0063] –contents of the Product Configurator can be modular, based on responses of the user to previous questions (parent). The Product Configurator dynamically presents the user with new questions (child) based on previous answers (parent))

Regarding Claims 5 and 24:

Calver discloses a method and system wherein input to one or more of the selected template's questions may be received from a plurality of users over a computer network (page 5 [0059] multiple user interactive sections, Figure 5).

Regarding Claims 6 and 25:

Calver discloses a method and system further comprising allowing one or more of the users to associate comments (recommendations) to at least a portion of the new argument (solution/product (Figure 8 (135-143), page 9 [0098] product and related recommendation).

Regarding Claims 7 and 26:

Calver discloses a method and system wherein the comments are only accessible by one or more specified users (Figure 8 9135-1430 and page 9 [0098]).

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Regarding Claims 8 and 27:

Calver discloses a method and system wherein each template question is a multiple choice question (page 7 [0081] a graphically displayed drop down list or an actual number that is compared against *a list or ranges may be graphically displayed* (multiple choice) for the user, page 7 [0082] credit data can be entered by a graphically displayed check list (multiple choice), test entry box or drop down list (multiple choice).

Regarding Claims 17 and 36:

Calver discloses a method and system wherein one or more template questions have an associated discovery tool that facilitates answering of such associated template question (pages 7-8 [0084]- the customer can be additionally presented with the option to link pages containing product information from the respective providers. Such information may include, for example, case studies, testimonials, descriptions....and so forth.).

Regarding Claims 18 and 37:

Calver discloses a method and system wherein each template is associated with a situation descriptors (page 10 [0107] range of categories), the method and system further comprising selecting one of the templates which is most relevant to a particular situation by comparing a current situation to the situation descriptors associated with the templates to thereby find the most relevant templates having the most closely matching situation descriptors (page 10 [0107] applicant interested in Loans category will find

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products and services offered by financial providers, Credit category will offer products and services offered by credit providers).

Regarding Claims 19 and 38:

Calver discloses a method and system further comprising creating a new template, wherein the new template is created by an expert (.page 11 [0127] business rules – method and system make decisions and solves problems by using knowledge and rules defined by experts, ie business rules).

Regarding Claims 40:

Calver discloses a computer system operable to access or generate an argument (question based on answer) having a conclusion (solution/recommendation) for a particular situation (product or service), the computer system comprising:

one or more processors (Figure 2(31), page 3 [0040-0041]);

one or more memory (Figure 2 (50)) wherein at least one of the processors and memory are

adapted to:

search a plurality of templates for a relevant template most related to a particular situation, wherein each template includes a plurality of questions (Figure 16);
and

receive answer one or more questions of the relevant template to form a new argument having a conclusion based on the one or more answers (new questions based on previous answers, page 5[0063]); and

associating supporting evidence to each answered template question (pages 7-8 [0084]- the customer can be additionally presented with the option to link pages containing product information from the respective providers. Such information may include....).

The applicant is advised that Calver discloses a system with processors and memory. The language "adapted for" is generally given little patentable weight in an apparatus/system and thus does not distinguish the system from the prior art. An apparatus/system must be distinguished from the prior art in terms of structure rather than function alone (MPEP 2114). The database and server of Calver are fully capable of performing the functions as set forth in the claim language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-16 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over.

Calver (US 2001/0032092) (hereinafter referred to as Calver)

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Regarding Claims 9-10 and 28-29:

Calver does not disclose a method and system wherein each multiple choice question asks to what degree of likelihood will a particular factor related to the particular situation have a positive or negative result or wherein each multiple choice question has a categorical scale of likelihood represented by a set of answers that partition the likelihood scale

However, it is old and well known to ask provide preferences or degrees of likelihood in the form of multiple choice questions, such as, I agree, I agree somewhat, I disagree, I strongly disagree, It is unlikely, It is probable.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include multiple choice questions which ask to what degree of likelihood with a categorical scale of the likelihood that a particular factor related to a situation would have a positive or negative result since a skilled artisan would have recognized that this practice identifies more specifically what product or service would or would not be most beneficial to a customer's business, best suit the customer's needs and provide the greatest interest and utility to the user.

Regarding Claim 11 and 30:

Calver discloses a method and system wherein each template's questions are formed in a hierarchical structure, wherein a parent question that has a plurality of children questions may be automatically answered by answering the parent's children (The Product Configurator page 5 [0063] –contents of the Product Configurator can be

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modular, based on responses of the user to previous questions (parent). The Product Configurator dynamically presents the user with new questions (child) based on previous answers (parent))

Regarding Claims 12 and 31:

Calver discloses a method further comprising providing more than one answer for at least one question (Figure 10 (184-192), page 5 [0057] for the customer the system may provide access to multiple products through one point of contact; allows customers to answer basic questions about products and services)

Regarding Claims 13 and 32:

Calver discloses a method wherein the parent question is automatically answered using a answering technique selected by a user (portal functionality (multiple user interaction sections; page 6 [0069] – while viewing the web based portal homepage, the user may be faced with the option of directly filling out a Pre-Qualified Template questionnaire; page 6 [0070] Product Oriented – if the product orientation format is selected.... Figure 6 and descriptions on page 6 [0068])

Regarding Claims 14 and 33:

Calver discloses a method and system wherein the answering technique *may be* selected from a group consisting of a maximization technique, an averaging technique, and a minimization technique (maximization techniques - Figure 13 (236) Management

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Best Practices- Documentation regarding best practices in small businesses; page 12 {0133} .

Regarding Claims 15 and 34:

Calver does not disclose a method wherein each answer within the hierarchical structure has a color selected from a subset of colors, each color representing a different answer so that the hierarchical structure's colors convey a line of reasoning.

However, it would have been obvious to design a method and system with color since the color does not alter the steps of the method or the structure of the system and the invention would perform equally as well with or without color to convey a line or reasoning and a line of reasoning can be shown by using different fonts or any text format.

Regarding Claims 16 and 35:

Calver discloses a method and system wherein one or more template questions is associated with a second hierarchical structure of questions and the first and second hierarchical structures together form a set of cascaded arguments (questions) (page 5 [0063] questions based upon answers to above questions).

Response to Arguments

Applicant's arguments filed August 8, 2005 have been fully considered but they are not persuasive.

The applicant argues that Calver does not teach allowing the user to provide supporting evidence for his or her answers. The Examiner respectfully disagrees. Calver discloses associating supporting evidence to each answered template question (pages 7-8 [0084]- the customer can be additionally presented with the option to link pages containing product information from the respective providers. Such information may include....).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

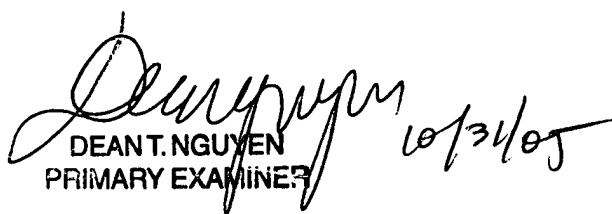
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM


DEANT. NGUYEN
PRIMARY EXAMINER 10/31/05